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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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| **UNITED STATES OF AMERICA,** Plaintiff, | Magistrate Docket No. '08 MJ 0958 WMC |
| v. | COMPLAINT FOR VIOLATION OF: |
| **Jose Luis LARA DE LA TORRE,** Defendant | Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **March 27, 2008** within the Southern District of California, defendant, **Jose Luis LARA DE LA TORRE,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF MARCH 2008.

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

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**CONTINUATION OF COMPLAINT:**
**Jose Luis LARA DE LA TORRE**

## PROBABLE CAUSE STATEMENT

On March 27, 2008, Border Patrol Agent M. Hill, was performing line-watch duties in the Imperial Beach Border Patrol Station area of operations. At approximately 5:15 a.m., Agent Hill witnessed a group of three individuals climbing over the secondary fence near "Virgina Street". This area is approximately one-quarter mile west of the San Ysidro, California Port Of Entry and approximately 100 yards north of the United States/Mexico International Boundary Fence. Agent Hill immediately drove to the parking lot just North of the secondary fence and found three individuals. Agent Hill identified himself as a Border Patrol Agent and conducted an immigration inspection. All three individuals, including one later identified as the defendant **Jose Luis LARA-De La Torre,** admitted that they were in fact present in the United States illegally and that they are citizens and nationals of Mexico. Agent Hill placed the defendant and the other individuals under arrest, and arranged for transport to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 23, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF **MARCH 2008.**

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDG